



## Senate

General Assembly

**File No. 360**

*January Session, 2001*

Substitute Senate Bill No. 276

*Senate, April 19, 2001*

The Committee on Transportation reported through SEN. CIOTTO of the 9th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### **AN ACT CONCERNING INATTENTIVE DRIVING.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 (NEW) (a) "Driving while distracted" means the operation of a
- 2 motor vehicle while engaged in a distractive activity in a manner that
- 3 interferes with the free and proper use of the public highways or
- 4 endangers users of the public highways. For the purposes of this
- 5 section, "distractive activity" means an activity not directly related to
- 6 the operation of the motor vehicle, and that includes, but is not limited
- 7 to: Reading; writing; consuming food, beverages or tobacco; changing
- 8 garments; using mobile telephones, AM, FM or CB radios, audio or
- 9 video cassette players, compact disc players, televisions, or any other
- 10 audio or video devices; using pagers, portable computers, two-way
- 11 radios, radar detectors, personal digital assistants, geographic
- 12 positioning system receivers or similar devices; applying make-up,
- 13 shaving, combing hair, or attending to other forms of personal
- 14 grooming; or interacting with passengers or pets.

15       (b) Any person driving while distracted shall have committed an  
16       infraction and (1) for the first offense shall be fined not less than one  
17       hundred fifty dollars nor more than three hundred dollars, and (2) for  
18       each subsequent offense shall be fined not less than two hundred fifty  
19       dollars nor more than five hundred dollars or imprisoned not more  
20       than fifteen days or be both fined and imprisoned.

***Statement of Legislative Commissioners:***

Changes were made for grammatical purposes.

***TRA***       *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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### **OFA Fiscal Note**

**State Impact:** Indeterminate Revenue Gain

**Affected Agencies:** Various Criminal Justice Agencies

**Municipal Impact:** None

### **Explanation**

#### **State Impact:**

The bill would result in an indeterminate revenue gain to the state by establishing an infraction<sup>1</sup> for driving while distracted. The bill specifies that the fine for these offenses be \$150-\$300 for a first offense and \$250-\$500 and up to fifteen days imprisonment for subsequent offenses. In addition to the range of fines above, an additional “fee” imposed under CGS 51-56a<sup>2</sup> and an additional “cost” imposed under CGS 54-143a<sup>3</sup> would add \$31 to these fines.

The level of revenue that could be generated by the bill is uncertain.

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<sup>1</sup> It appears that the revenue from these infractions would be deposited in the General Fund since the bill does not include any reference or modification to the statutes concerning the Special Transportation Fund, where most motor vehicle related infractions are deposited.

<sup>2</sup> This statute requires payment of an additional \$1 for every \$8 or fraction thereof of the fine for all infractions and certain violations. This additional fee cannot exceed a total of \$11.

<sup>3</sup> This statute requires that a \$20 surcharge be imposed on infractions and certain violations.

However, the revenue gain could be in the range of several hundred thousand dollars depending on the level of compliance and enforcement. Many infractions are not well known, seldom imposed and generate minimal revenue. For example, operating a motor vehicle without fenders generated \$1,800 in revenue to the state in 2000. Other infractions, however, are more commonly imposed. The failure of front seat occupants to wear a seat belt, for example, generated almost \$1.5 million in revenue to the state during 2000.

It is unlikely that the bill would result in individuals being incarcerated for these offenses but it could result in additional workload for prosecutors and court and probation staff which can be absorbed within existing budgetary resources.

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**OLR BILL ANALYSIS**

sSB 276

***AN ACT CONCERNING INATTENTIVE DRIVING.*****SUMMARY:**

This bill prohibits driving while engaging in a distractive activity that interferes with the free and proper use of the highway or that endangers other highway users. A distractive activity can be anything not directly related to driving the vehicle. It can include reading; writing; consuming food, beverages, or tobacco; changing clothes; attending to personal grooming; interacting with passengers or pets; or using mobile telephones, radios, audio or video devices, including televisions, CB radios, pagers, portable computers, two-way radios, radar detectors, personal digital assistants, global positioning system navigation aids, or similar devices.

A first offense is an infraction with a fine of \$150 to \$300. Any subsequent offense is punishable by a fine of \$250 to \$500, imprisonment for up to 15 days, or both.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND*****Related Bill***

sHB 6782 was reported favorably by the Transportation Committee. With certain exceptions, it prohibits a driver from using a mobile telephone unless it is equipped with a device that allows for "hands-free" operation.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable Report  
Yea 23      Nay 5